Docket No.: 72255/30267 **PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

FIRST NAMED INVENTOR	:	James A. AMOS **Confirmation No.: 9008**
FOR	:	HYBRID WIRELESS IP PHONE SYSTEM AND METHOD FOR USING THE SAME
APPLICATION NO.	:	10/600,084
FILING DATE	:	June 20, 2003
EXAMINER	:	Zhiyu
ART UNIT	:	2618
CUSTOMER NO.	:	**23380**

REPLY BRIEF

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Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

The Final Office Action in the above-identified application was dated October 1, 2008. Applicant filed a Notice of Appeal on January 2, 2009, an Appeal Brief on February 27, 2009, and a Supplemental Appeal Brief on April 29, 2009.

This Reply Brief is responsive to the Examiner's Answer of August 7, 2009 in connection with this matter.

Favorable consideration of this Reply Brief is respectfully requested.

The Non-Art Matters

Claim 39 stands rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement. According to the Examiner, the claim contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention.

In particular, the Examiner took the position that although claim 39 recites "a network; a telephone controller coupled to the network; a wireless local area network access point coupled to the network; a base station coupled to the network" the access point and the base station "are never disclosed as being coupled to the same network".

Claim 39 is in Condition for Allowance Under 35 U.S.C. § 112:

Applicant respectfully disagrees with the Examiner's interpretation of claim 39 and understanding of the specification. In particular, applicant respectfully submits that the subject matter contained in claim 39 was described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention.

First, applicant respectfully submits that the voice over internet protocol (VOIP) telephone system shown in Fig. 3 is a representative diagram and is not to be construed as in any way limiting the scope of the claims pending in the instant application. Essentially, as described in paragraph [0036] of the application as filed, the system as shown in Fig. 3 allows various wireless computer networks to jointly interact in a cooperative manner to, among other things, enable the use of power saving wireless personal area network connections when available. As shown in the example embodiment of Fig. 3, the wireless handset 100 is capable of communicating with the wireless personal area network via the base station 200, or with the wireless local area network via an axis point 304.

However, the particular network types are merely representative of networks in general and, as such, the wireless computer networks illustrated in the example of Fig. 3 are easily conceptually and practically aggregated as, collectively, a "network." As noted at paragraph [0029] of the application as filed, "throughout this description, the preferred embodiment and

examples shown should be considered as exemplars, rather than limitations, of the present invention."

Paragraph [0019] of the application as filed describes, in general, an aggregated network wherein a phone controller is connected to a local area network, an access point, and a base station. In particular, as described there, authentication occurs and transmission of the communication signals are facilitated when a communication channel is established between the base station and the wireless handset over the wireless local area network. When the wireless handset is out of range of the base station, the base station notifies the wireless local area network to transmit over the access point. As noted in particular, this notification would go to a phone controller connected to the local area network, the access point, and the base station.

Furthermore, at paragraph [0020] of the application as published, a method for a wireless handset to communicate to a local area network is provided. The wireless handset is suitably adapted to communicate with a corresponding base station, the base station being connected to the local area network. In accordance with the described method, the steps comprise establishing a connection with the base station via a first transceiver when the wireless handset is within range of the base station, and switching to a second transceiver and connecting to the local area network via the second transceiver when the wireless handset is outside the range of the base station. As described, the first transceiver is a Bluetooth compatible transceiver and the second transceiver is a higher powered transceiver than the first transceiver, usually the second transceiver is an 802.11 compatible transceiver. As further described at paragraph [0020] of the published application, when the wireless handset returns to being within the range of the base station, the connection between them is re-established with the base station via a first transceiver. Furthermore, power to the second transceiver is switched off after re-establishing the connection with the base station.

Still further, that the telephone controller may be coupled to the same network as the wireless local area network access point is described at paragraph [0017] of the application as filed as described there, the wireless voice over Internet Protocol telephone further comprises a base station equipped with a wireless personal area transceiver of the same type as the wireless handset, and a network interface card. The network interface card provides the base station with the ability to notify a wireless local area network when the signal from the wireless handset is

not detected. The wireless voice over Internet Protocol may also comprise, in addition to the base station, a phone controller that provides a communication link between an access point, the wireless handset, and the base station. The wireless handset and the base station both having the same wireless local area network transceiver which is typically an 802.11x transceiver. Similarly, the wireless handset and the base station both have the same wireless personal area network transceiver, which may be either a Bluetooth transceiver or an infrared transceiver.

Still further in connection with the network described in the specification in support of pending claim 39, applicant respectfully refers the Examiner to the claims portion of the specification as filed and, in particular, to claim 24 as set out in the published application wherein a method is recited for a wireless handset to communicate to a local area network. The wireless handset is suitably adapted to communicate with a corresponding base station, the base station being connected to a local area network. The method comprises steps of establishing a connection with the base station via a first transceiver when the wireless handset is within range of the base station, and switching to a second transceiver and connecting to the local area network via the second transceiver when the wireless handset is outside the range of the base station.

The claims comprise part of the specification. In addition, as noted above, original claim 24 made no distinctions between first networks, second networks, wireless local area networks, personal area networks, or the like as the Examiner is attempting in the Office Action and Examiner's Answer.

In accordance with the above, therefore, applicant respectfully submits that the claims, particularly claim 39, was described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention.

A withdrawal of the rejection of independent claim 39 under 35 U.S.C. § 112, first paragraph, is respectfully requested.

The Art Matters

Claims 1-9, 14-19, and 39-43 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. published application no. US2002/0085516 to Bridgelall

(*hereinafter*,"Bridgelall") in view of US2001/0010689 to Awater et al. (*hereinafter*, "Awater"), US2003/0119549 to Mohammed (*hereinafter*, "Mohammed") and US2001/0036835 to Leedom, Jr. (*hereinafter*, "Leedom").

Claims 1-9, 14-19, and 39-43 Are In Condition for Allowance Under 35 U.S.C. § 103:

Applicant respectfully submits that all pending claims are novel, patentably distinct, and unobvious over the references of record. In particular, applicant respectfully submits that none of the art of record, alone or in any combination, teaches a wireless handset sending a signal responsive to the wireless personal area network transceiver being unable to detect a wireless personal area network connection to send a signal via the wireless local area network transceiver to route the voice communication for the wireless handset through the wireless local area network, and the wireless handset sending a signal via the wireless personal area network connection to send a signal via the wireless personal area network connection responsive to a reestablishment of a connection with the wireless personal area network.

Applicant respectfully submits that there are fundamental differences between the art of record and the pending claims in the instant application. With reference to claim 1, for example, the selecting device of the wireless handset sends signals to the associated telephone controller for routing the voice communication using the network to which the wireless handset is to be connected. That is, the signals are sent to the "forward" network, rather than to the "backward" network such as in the art of record including Bridgelall.

As set out in independent claim 1, for routing the voice communication through the wireless local area network, the selecting device of the wireless handset is configured to send a signal to the telephone controller via the wireless local area network transceiver, to route the voice communication for the wireless handset through the wireless local area network responsive to the wireless personal area network transceiver being unable to detect a wireless personal area network connection. Conversely, for routing voice communication via the personal area network, the selecting device of the wireless handset is configured to send a signal to the telephone controller via the personal area network transceiver, to route the voice communication for the wireless handset through the wireless personal area network to reestablish a connection with the wireless personal area network. Thus, in accordance with claim 1, the wireless local

area network is used for signaling to the telephone controller to route the voice communication through the wireless local area network. The personal area network is used for signaling the telephone controller to route the voice communication through the personal area network.

In contradistinction thereto, in Bridgelall, the "backward" network is used for establishing the handoff or change between networks. In particular, Fig. 12 of Bridgelall and the text associated therewith describes a seamless vertical roaming transfer from a wireless wide area network (WWAN) to a wireless local area network (WLAN), and Fig. 13 describes a seamless vertical roaming from the WLAN to the WWAN. However, unlike the claims of the present application, the wireless handset 1203 of Fig. 3 uses the WWAN to communicate signals for reestablishing the call with Party C through the WLAN network. This is essentially using the "backward" network (WWAN) for purposes of network changeover (from WWAN to WLAN). Similarly, in Fig. 13 of Bridgelall, the WLAN network is used by the wireless handset 1301 to transfer the call or communication with Party C from the WLAN to the WWAN. Again, this is essentially using the "backward" network (WLAN) for the seamless vertical roaming found in Bridgelall (from WLAN to WWAN).

Applicant respectfully submits that each independent claims 1, 14, and 39 include features not taught, suggested or disclosed in Bridgelall or in any of the other art of record, alone, or in combination. With regard to independent claim 1, for example, none of the art teaches or suggests sending a signal to a telephone controller via a wireless local area network transceiver to route voice communication for a wireless handset through the wireless local area network responsive to a wireless personal area network transceiver being unable to detect a wireless personal area network connection, and sending a signal to the telephone controller via the personal area network transceiver to route the voice communication for the wireless handset through the wireless personal area network responsive to reestablishing a connection with the wireless personal area network.

With reference to independent claim 14, none of the art of record teaches, suggests, or fairly discloses sending a first message via a local area network transceiver notifying a telephone controller to send subsequent voice over Internet Protocol packets for voice communication to a wireless handset via a wireless local area network in data communication with a wireless local area network transceiver responsive to determining the wireless handset is out of range of the

base station, and sending a second message via the wireless personal area network transceiver notifying the telephone controller to send subsequent voice over Internet Protocol packets for the voice communication to the wireless handset via the base station responsive to determining the wireless handset has moved within range of the base station.

Lastly, with regard to independent claim 39, none of the art of record, alone or in combination teaches, suggests, or fairly discloses features including transmitting a first message from a wireless handset for a telephone controller that is sent via a wireless local area network access point to instruct the controller to direct communications for the wireless handset through the wireless local area network access point responsive to the wireless handset being unable to detect a base station, and transmitting a second message for the telephone controller that is sent via the base station to instruct the telephone controller to direct communications for the wireless handset through the base station responsive to detecting the base station.

Again, applicant respectfully submits that Bridgelall uses the "backward" network for transferring communications to a new or "forward" network. In addition, none of the art of record including Awater, Mohammed, or Leedom, alone, or in combination, remedy these deficiencies in Bridgelall. There is no mention in Awater of sending signals to a telephone controller from a wireless handset to direct communication. In Mohammed, the base station performs the handoff. Lastly, in Leedom, a universal system traffic controller (USTC) decides when to switch networks.

For at least the above reasons, applicant respectfully submits that claims 1-9, 14-19, and 39-43 are novel, patentably distinct, and unobvious over the art of record.

Conclusion

For the reasons just set forth, applicant submits that the claims as presently standing are novel, patentably distinct, and unobvious over the cited art of record and in condition for allowance thereover.

Allowance of all claims and a Notice of Allowance are earnestly solicited.

If there are any fees necessitated by the foregoing communication, the Commissioner is hereby authorized to charge such fees to our Deposit Account No. 50-0902, referencing our Docket No. 72255/30267.

Respectfully submitted,

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